

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1923/1dn
PJH:kjf:rs

April 28, 2011

Senator Lassa,

Please review this draft to ensure that it is consistent with your intent. This draft is identical to 2009 SB 319, except that the retroactive “window” for bringing an action has been changed from three years to two years.

As you may be aware, the Wisconsin Supreme Court has held that statutes of limitations are generally substantive (as opposed to procedural or technical) laws and may not be applied retroactively. Section 3 of the draft, which creates the “window” may be considered an unconstitutional deprivation of due process rights to an accused defendant; please let me know if you would like to change this section or would like to discuss this issue further.

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